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JUL 30 2009

OFFICE OF PETITIONS

In re Application of
Peng Zhou, et al.
Application No. 10/502,543
Filed: July 27, 2004
Attorney Docket No. 56815-0200

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 4 2009, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 4, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 5, 2008. This decision precedes the mailing of a Notice of Abandonment. On June 4, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on June 4, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being referred to Technology Center AU 2444 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions